

REMARKS

By the present amendment, claim 12 has been amended to correct “separator” to “protective film.”

Claims 1-26 are pending in the present application.

In the Office Action, it is pointed out that the term “separator” in claim 12 lacks antecedent basis.

The term “separator” has been replaced by “protective film” as suggested in the Office Action. Accordingly, it is submitted that the objection should be withdrawn.

Next, in the Office Action, claims 1-4 and 9-12 remain rejected under 35 U.S.C. 102(b) as anticipated by JP2000-347010 (Saiki JP’010), and claims 5-8 and 13-15 remain rejected under 35 U.S.C. 102(b) as anticipated by JP2000-347181 (Saiki JP’181). It is alleged that it is not clear that the name of the fourth inventor in the present application (Mr. Takashi Shouda) and the name in the Japanese publications (Mr. Takamori Shoda) is due to transliteration errors in the Japanese publications.

A Declaration under Rule 1.131 by the present inventors, including Mr. Takashi Shouda, is being submitted with this paper. On page 1, third and fourth paragraphs of the Declaration, it is stated that “Mr. Takashi Shouda’s name is correctly indicated on the original Japanese text of JP’010 and JP’181” and that “[t]he transliteration of Mr. Takashi Shouda’s name in the English abstracts of JP’010 [Japanese patent application No. 11-162071, published as JP 2000-347010] and JP’181 [Japanese patent application No. 11-162072, published as JP 2000-347181] is an incorrect machine translation”.

In view of the above, it is submitted that the rejections should be withdrawn.

Next, in the Office Action, claims 1, 3, and 9-12 are rejected under 35 U.S.C. 102(a) as anticipated by JP 2001-030427 (Sumi JP'427), and claims 2 and 4 are rejected under 35 U.S.C. 103(a) as obvious over Sumi JP'427 in view of US 6088079 to Kameyama et al. (Kameyama).

Reconsideration and withdrawal of the rejections is respectfully requested. Applicants submit the attached Declaration under 37 C.F.R. 1.131 to establish that they made the presently claimed invention before February 6, 2001, which is the effective date of Sumi.

Namely, the inventors state in the Declaration that they are the inventors in prior Japanese application No. 11-162071 (JP'071), filed on June 9, 1999 by the present inventors and published as JP 2000-347010 (JP'010), and prior Japanese application No. 11-162072 (JP'072), also filed on June 9, 1999 by the present inventors and published as JP 2000-347181 (JP'181). Certified copies of JP'071 and JP'072, along with their verified English translations, are submitted with the Declaration.

The disclosures of JP'071 (published as JP'010) and JP'072 (published as JP'181) show conception and actual reduction to practice of the invention claimed in the present application. Reference is made in the following to the verified English translations of the corresponding Japanese applications JP'071 and JP'072 filed on June 9, 1999.

In JP'071 and JP'072, the present inventors described the subject matter of the present invention substantially as claimed in the claims of the present application:

- Claim 1: JP'071, page 1, claim 1 and page 12, paragraph [0028],
- Claim 2: JP'071, page 1, claim 2,
- Claims 3, 4: JP'071, page 1, claim 3,
- Claim 5: JP'072, page 1, claim 1,

- Claim 6: JP'072, page 1, claim 2,
- Claims 7, 8: JP'072, page 1, claim 3,
- Claim 9: JP'071, page 1, claim 4,
- Claims 10-12: JP'071, page 15, paragraph [0037],
- Claims 13-15: JP'072, page 16, paragraph [0038],
- Claim 16: JP'072, page 1, claim 4,
- Claim 17 : JP'071, page 5, paragraph [0009],
- Claims 18-23 : see above claims 2, 4, 10-12, respectively,
- Claims 24-25: JP'071, page 6, paragraph [0012],
- Claim 26: see above claim 9.

Therefore, JP'071 and JP'072 evidence that the present inventors were in possession of the present invention as claimed in the present application before June 9, 1999.

Further, in JP'071 and JP'072, the present inventors disclosed the experimental results substantially as reported in the present application:

- Examples 1-4, Comparative Example 1, and Evaluation Test on page 17-20 of the present application: JP'071, pages 17-19, paragraphs [0041] to [0049] (Examples 1-4, Comparative Example and Evaluation Test),
- Examples 5-8, Comparative Example 2, and Evaluation Test on pages 20-22 of the present application: JP'072, pages 17-19, paragraphs [0041] to [0049] (Examples 1-4, Comparative Example and Evaluation Test).

Therefore, the experimental results reported in JP'071 and JP'072 evidence that the present inventors had reduced to practice the invention claimed in the present application before June 9,

1999.

In summary, the Declaration establishes that the inventors were in possession of the presently claimed invention and had reduced the invention to practice before June 9, 1999. Accordingly, Sumi is removed as a reference against the presently claimed invention.

In view of the above, it is submitted that the rejections should be withdrawn.

Next, in the Office Action, claims 5-7 and 13-16 are rejected under 35 U.S.C. 103(a) as obvious over US 6,111,699 to Iwata (Iwata). It is alleged in the Office Action that Iwata discloses an optical member having a protective film with a roughness of at least 0.03 microns, and that it would have been obvious to use such roughness for a separator to avoid sticking during processing.

The rejection is respectfully traversed. The optical member of Iwata has a diffusing layer including diffusing material 18 in a resin 16, but there is no teaching or suggestion in Iwata regarding the roughness of a protective film. In addition, Iwata discloses that the purpose of having a roughness of the diffusing layer at 0.2 microns or less is to avoid diffuse reflections. As a result, contrary to the interpretation set forth in the Office Action, Iwata would not have provided any motivation to adjust the roughness of a separator, which is intended to be removed before the optical member is assembled into a display. Therefore, present claims 5-7 and 13-16 are not obvious over Iwata.

In view of the above, it is submitted that the rejection should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,

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Encls.: Declaration under Rule 1.131  
Certified copies of JP 11-162071 (JP'071) and JP 11-162072 (JP'072)  
Verified English translations of JP'071 and JP'072